



PLANNING REFORM WORKING PAPER

DEVELOPMENT AND NATURE RECOVERY

Response by Smart Growth UK

21 February 2025

QUESTIONS

Do you consider this approach would be likely to provide tangible improvements to the developer experience while supporting nature recovery?

By “developer experience” you presumably mean the expense (and time) that developers expend on issues concerned with nature during the planning and implementation stages of developments. The first obligation of any commercial organisation (after conformity with the law) must be to maximise and protect the financial return to its shareholders. Developers have long operated on the basis of securing a 20% rate of return on their capital in developments. One way or another, this is the comfort they look to during the experience.

So your question should basically be whether developers would be more likely to secure the rate of return they desire as a result of the proposals. Their fears about failure to achieve this high level of profitability is one of the central reasons why they fail to build, rather than the planning system or protection of nature.

To secure increased profits from developments, the proposals would need to reduce the amount spent on securing environmental objectives, including the time spent during the planning process. There are obviously pitfalls in allowing individual developments to evade the need for consideration of local effects and to replace this process with a crude, area-wide substitute. It is difficult to see how either the precautionary principle or the mitigation hierarchy could work within such a system.

Area-wide assessments cannot work reliably at the local level and cannot ensure compliance with Habitats Regulations.

It would be nice to think there was some ambition to actually improve nature other than by simply agglomerating large areas protected for nature as compensation for destroying it in other large areas. Much play is made developers’ complaints over “nutrient neutrality”, but there is no suggestion that the new system would do any more than simply prolong the

current high-pollution status quo. How about a system that actually *reduced* nutrients in rivers?

Securing higher rates of return for developers, however, is certainly likely to improve their experience. Whether it encourages them to build any more, however, is a moot point.

Which environmental obligations do you feel are most suited to this proposed model, and at what geographic scale?

Area, or regional, wide models could play a useful role in environmental assessment, though only if they applied to a much wider range of ecosystem services than simply nature, house building and, perhaps, infrastructure construction (though the paper is inconsistent over whether infrastructure development is included with housing or not). Paragraph 19 also refers to “a relevant range of development types”, without specifying what, making it hard to judge the likely effects.

Development impacts on a very wide range of ecosystem services, including:-

- Nature (including disturbance)
- Food security
- Water security
- Drainage
- Flood-control
- Sea defence
- Greenhouse gas emissions
- Air pollution
- Carbon sequestration
- Soil protection
- Timber production
- Noise pollution
- Light pollution
- Minerals
- Outdoor leisure
- Landscape
- Heritage

Strategic assessment of all of these, their condition and the likely effects of area-wide development are all worthwhile and, although the areas over which they are best assessed may vary, that should not preclude holistic examination of the effects of development etc. on them, nor their interactions with one another. Environmental, economic and social resilience depend on them all functioning optimally. This involves, inter alia, protection and enhancement of nature – but also the other ecosystem services (and others) listed above.

Singling out just one aspect – nature – ensures downgrading consideration of all the others. The paper moves from “nature” to “environmental impacts” to “environmental obligations” fairly seamlessly, without apparently appreciating these are different considerations. Paragraph 20 allows “a wide range of impacts” but only cites effects on individual species (nature) and nutrient pollution (water security) and offers no justification for singling out individual ecosystem service impacts and ignoring the others.

“Where multiple environmental impacts were applicable in the same area a single Delivery Plan could address these together. In each case, they would clearly demonstrate that the relevant environmental impacts of development would be effectively addressed - with potential to deploy a wider range of measures than would likely be available or practical for a single development,” says paragraph 23.

It cannot be stressed too strongly that every individual development, even down to a single house, has multiple environmental impacts and imagining these can be reduced to individual impacts like biodiversity or river contamination is fantasy. Even a small housing development in the wrong place, for instance, will increase road traffic and even if the local highway network has the capacity to accommodate it, this will still increase greenhouse gas emissions, air, noise and light pollution, disturbance, soil sealing, water stress and can cause significant damage to food production, landscape and heritage etc..

It's certainly worthwhile assessing the aggregate effects of developments over areas, regions and nationally and a nature restoration fund could help address the current shortfall in protection of nature. Choice of which areas or regions to plan across would inevitably involve some issues of arbitrariness, but we would support the work being done. It does not, however, reduce the need to assess these effects locally.

How if at all could the process of developing a Delivery Plan be improved to ensure confidence that they will deliver the necessary outcomes for nature?

Delivery plans would need to consider all the ecosystem services cited above. Even where some of the evidence base already existed, it would not obviate the need for considerable additional research – and for the Government to provide the necessary funding. Hoping private providers would save a bit of money (paragraph 26) must surely be seen as a fantasy now, unless that's to be shorthand for not doing the work properly.

It is alarming to see the suggestion in paragraph 30 that delivery plans could be finalised during the passage of the Planning and Infrastructure Bill (i.e. one Parliamentary session). Given the huge complexity involved, and likely restrictions on public or private finance, this is either unrealistic or would doom such plans to being threadbare or worthless.

Are there any additional specific safeguards you would want to see to ensure environmental protections and / or a streamlined developer experience?

Holistic consideration of the ecosystem services cited above is necessary to ensure environmental protection.

The proposals in paragraphs 58-60 essentially involve a process of “paying to destroy nature”, while simply aiming to promote small numbers of species on alternative sites. But ecology does not work like this. Soil flora and fauna, for example, cannot simply be relocated like this. They evolve over thousands of years and simply trying to reproduce a small number of protected terrestrial or avian species on alternative sites would effectively destroy most of the “nature” involved, apart from the small range of ecology, however valuable, seen by the public.

A “streamlined developer experience” is simply shorthand for their profit margins. It should not be part of the planning system. It is difficult to see how developers’ contributions to secure the new proposed functions could be set at such a level to achieve worthwhile benefits without actually increasing the cost to developers.

Do you support a continued role for third parties such as habitat banks and land managers in supplying nature services as part of Delivery Plans?

It is always hard, or impossible, to reconcile sectional interests or commercial interests of third parties with public benefit in such work. While data would obviously need to be amassed from a wide range of bodies, delivery would need to be carefully monitored, controlled and enforced centrally and breaches dealt with harshly. Experience with biodiversity net gain (BNG) suggests this is unlikely. As the chief executive of Wildlife and Countryside Link put it¹: “Monitoring is terrible, enforcement is non-existent and many of the promised gains never appear.” He also cautioned that even if such schemes are acceptable in principle, they should never be used to make it easier for unsustainable development to go ahead even if, in theory, developers were paying for the harm they do to habitats. “In practice, however, no-one believes it,” he said. Now the Government is planning a much expanded system, but most observers outside the development industry fear the new system would be likely to become the usual “developers’ charter”. That would, of course, improve “the development experience”.

How could we use new tools like Environmental Outcomes Reports to support this model?

Without details of environmental outcomes reports, it’s impossible to say.

Are there any other matters that you think we should be aware of if these proposals were to be taken forward, in particular to ensure they provide benefits for development and the environment as early as possible?

One key issue which the paper does not seriously address is the question of where successors to “suitable alternative natural greenspace” (SANGs) would be located.

The chair of Natural England recently suggested²: “areas for nature recovery will ideally be placed close to new developments, so that residents can easily enjoy them”. This begs several questions.

New residential or business developments on greenfield sites inevitably bring air, noise and light pollution and disturbance – which all extend miles beyond the boundaries of the development. Even if their water pollution is mitigated to some extent by nutrient neutrality rules, these other pollutants would not only damage or destroy nature on the development site, but far beyond them.

In this context it is significant that the three “case studies” in your paper carefully avoid this issue. The one about residential development only considers the nutrient neutrality question, while the other two cover energy developments where intrusion from these pollutants is likely to be less significant.

It is also worth pointing out, in this context that however desirable it might be to allow residents of developments areas of greenspace in which to enjoy nature, such areas are unlikely to achieve the high levels of biodiversity or bioabundance suggested by the paper, thanks to human intrusion. This aspect is not even considered.

So the paper’s lack of serious discussion of alternatives to its proposals, or within the proposals to provide alternative recommendations, suggests decisions have already been taken and it’s symptomatic of the rush to break up existing planning controls to secure “a streamlined developer experience”. Once again we need to make the point that it’s developer practice which is preventing the country getting the houses it needs in the places that need them and which can accommodate them sustainably. It is not the planning system or nature protection, and the continuing assault on them will simply enhance developers’ opportunities to evade controls and secure the returns they need at the expense of sustainable development.

Finally, it’s now worth asking whether these proposals would accord with, or contravene, European law. Thanks to recent changes in world security, closer integration with Europe via the Single Market, the Customs Union, or even full membership of the EU, are now firmly back on the policy agenda. It is therefore necessary to ask what changes would be needed were the proposals implemented and compliance with wider European norms or laws required.

[The responses to the first two questions had to be cut somewhat in the version of this response submitted to the Government via its “Citizen Space” platform thanks to its limits on the amount of space allowed to citizens to respond.]

¹ Richard Benwell: *Can the Nature Restoration Fund Really Restore Nature?* (Green Alliance blog, 14 January 2025)

² Tony Juniper: *We Can Make Space for Nature and People* (Green Alliance blog: 8 January 2025)